



HOMELAND TOWERS

March 23, 2022

VIA UPS OVERNIGHT/

ADVANCE COPY VIA FACSIMILE: siting.council@ct.gov

State of Connecticut
Connecticut Siting Council
ATTN: Melanie A. Bachman, Executive Director
Ten Franklin Square
New Britain, CT 06051

Re: **Docket No. 499** – Homeland Towers, LLC Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance, and Operation of a Telecommunications Facility located at 16 Coote Hill Road, Sherman, CT

Dear Ms. Bachman:

This letter is sent in response to yours to Lucia Chiocchio, Esq. dated March 14, 2022 in connection with the above-referenced Docket Number. Homeland Towers, LLC (“Homeland”) respectfully confirms that it has applied for the DEEP General Permit referenced in the first paragraph of your correspondence and, upon the issuance thereof, will commence construction of the Telecommunications Facilities.

This letter is also to briefly address Neil R. Marcus’ *ultra vires* letter to the Council dated March 18, 2022 regarding the June 1, 2020 Access Road Agreement between Homeland and Mr. Pepper Platt Jones which, despite Mr. Marcus’ contentions, is legally binding on the parties and remains in full force and effect pursuant to its terms. As you may be aware, the Access Road Agreement was discussed in considerable detail during both the May 25, 2021 and June 24, 2021 Connecticut Siting Council Public Hearings on Docket No. 499. In fact, the Council’s “Findings of Fact” dated August 26, 2021 include the following:

“103. Coote Hill Road is a private road that extends southeast from State Route 37. The Council does not have jurisdiction over HT’s use of the private road to access the site. HUT’s use of Coote Hill Road to access the site is subject to an agreement with the owner of Coote Hill Road. (RCSA §15-50j-2a(29); Applicants 1, Attachment 4, Tr., 1, pp.18-20)

104. HT and the owner of Coote Hill Road executed an agreement for HT’s use of the private road to access the site. HT will contribute to a Road Maintenance Fund and accept responsibility for repair of any damage to the road caused by HT and/or its agents. (Applicant 8, response 2; Applicant 9).”

The Access Road Agreement was also discussed in considerable detail during both the May 25, 2021 and June 24, 2021 Connecticut Siting Council Public Hearings on Docket No. 499. In response to comments by the opponents of the Telecommunications Facility in the latter hearing, John Morissette, the Council’s Presiding Officer, clearly stated that “Coote Hill Road is out of the jurisdiction of the Siting Council...” (Transcript at Page 55, Lines 27-20), and that “the access road is part of a public agreement between two parties that is related to private property rights, and the Siting Council has no jurisdiction over the negotiation and agreements under property rights.” (Transcript at Page 56, Lines 10-14.) In response to a further statement by Mr. Greenbaum, an opponent of the Telecommunications Facility, regarding the access road, Mr. Morissette again stated “That’s completely out of the Siting Counsel Jurisdiction.” (Transcript at Page 56, Lines 22-23.) Simply stated, Mr. Marcus’ letter is yet another ill-founded attempt by opponents of the Telecommunications Facility, which was approved by the Council’s Decision and Order dated August 26, 2021 and a Building Permit for which was issued by the Town of Sherman, to obviate the Council’s Decision in the matter, a Decision that was properly issued in accordance with all applicable laws, rules, regulations and procedures.



HOMELAND TOWERS

Page 2 of 2

Homeland will promptly advise the Council upon its receipt of the DEEP General Permit and its commencement of construction of the Telecommunications Facility.

With best regards,



Manuel J. Vicente
President

Enclosure

cc: Lucia Chiocchio, Esq./Cuddy & Feder; lchiocchio@cuddyfedder.com